

REMARKS

Claims 8 and 9 were again objected to under 37 C.F.R. 1.75(c), as being of improper dependent form. The suggestion of the Examiner has been followed; claims 8 and 9 have been cancelled and presented in independent form as new claims 17 and 18.

Claims 1-16 are newly rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The application has been amended to include a cross-reference as a continuation-in-part application of co-pending U.S. Patent Application Serial No. 09/900,555, which was also filed on July 6, 2001. A Petition under Rule 78 to add this cross-reference after the date required in the rules is submitted with this Amendment. This application was filed on the same day as the related application; two of the inventors of the '555 application are the inventors of the present application. The '555 application describes the basic process of which the present application is a modification. The '555 application provides that the solvent be alcohol-free. It is, accordingly, clear that the inventors possessed the invention as described in the claims at the time the application was filed.

Assuming that the Petition is granted and the cross-reference is added, it is Applicant's understanding based on an interview with Examiner Patten that the new matter rejection will be withdrawn as there is clear support in the specification of the referenced application for the language added to the claims. It is respectfully requested that upon granting of the Petition that the Section 112 "new matter" rejection be reconsidered and withdrawn.

Claims 1, 4-5, and 7-12 are rejected as being anticipated by Borud. This ground of rejection is traversed. Borud requires the use of not less than 200 ppm of sulfur dioxide to prevent oxidation during the operation of his process. In addition to the sulfur dioxide which prevents browning, Borud also adds HCl to reduce the pH. In the process of the present invention, the pKa or the organic acid added to the solution is selected to inhibit the oxidation process and also to reduce the pH. Claim 1 has been amended to recite that an organic acid is added to the alcohol-free solvent. Claim 1, as amended, is accordingly patentably distinguished from the Borud reference. Reconsideration and withdrawal of the 102 rejection in view of the amendment to claim 1 is respectfully requested. Since the remaining claims are either dependent

on claim 1 (claims 2-7 and 10-16) or also include the same limitation (new claims 17 and 18), they also are patentably distinct.

The 103 rejection is rendered moot in view of the amendment to claim 1 and the comments made above in response to the 102 rejection.

The application has been amended to correct minor informalities, to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

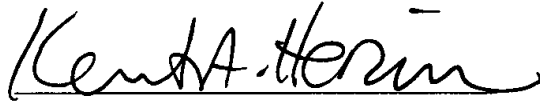
Based on the foregoing, Applicant respectfully submits that its claims 1-7 and 12-18, as amended, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

Date:

Jan. 5, 2004

A handwritten signature in cursive script, reading "Kent A. Herink". The signature is written in dark ink and is positioned above the printed name and address.

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